

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO REVISE THE LAND USE DESIGNATION OF THE DOWNTOWN WEST MIXED-USE PLAN PROJECT SITE, AMEND GENERAL PLAN POLICIES LU-6.1 AND LU-1.9, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO GENERAL PLAN DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN

File No. GP19-009

WHEREAS, the City Council of the City of San José (“City”) adopted the Envision San José 2040 General Plan in 2011, which General Plan has been amended from time to time (“General Plan”); and

WHEREAS, the General Plan sets forth a vision and comprehensive road map to guide the City’s continued growth through the year 2040 and includes land use policies to focus new growth capacity in strategically identified “Growth Areas” to facilitate the development of higher-density, mixed-use, urban districts that can accommodate employment and housing growth while reducing environmental impacts of that growth by promoting transit use and walkability; and

WHEREAS, the General Plan identifies Downtown San José as a key “Growth Area,” and includes policies intended to support the development of Downtown consistent with the City’s economic, fiscal, environmental, and urban placemaking goals; and

WHEREAS, the City and Google LLC (“Google or Project Sponsor”) entered into a non-binding Memorandum of Understanding (“MOU”), dated December 4, 2018, to collaborate on development of Downtown San José based on a shared vision to create a vibrant, welcoming, and accessible urban destination consisting of a mix of land uses that are

well-integrated with the intermodal transit station, adjacent neighborhoods, and Downtown, and shared goals to guide the development of Downtown San José; and

WHEREAS, following an extensive public process involving the City, residents of San José, and other stakeholders, the Project Sponsor submitted project applications for the Downtown West Mixed-Use Plan (the “Project” or “Downtown West”) on October 10, 2019, including proposed amendments to the General Plan (“General Plan Amendment”); a Project-specific amendment to the Diridon Station Area Plan (“DSAP Amendment”) that is separate from the City’s DSAP amendment efforts; rezoning to a Planned Development Zoning District with a General Development Plan; and a Planned Development Permit; and

WHEREAS, on October 7, 2020, Google submitted additional Project applications for a Vesting Tentative Map, two Historic Landmark Boundary amendments to adjust the landmark boundaries of the San José Water Company and the Southern Pacific Depot Historic District, an amendment of an existing Historic Preservation Permit, a development agreement, and other permits and approvals required to implement the Project (File Nos. GP19-009, PDC19-039, PD19-029, HL20-004, HL20-005, HP20-002, PT20-027); and

WHEREAS, since October 7, 2020, Google has submitted updated Project applications in response to public comments and discussions with City staff for the General Plan Amendment; DSAP Amendment; rezoning to a Planned Development Zoning District, including a General Development Plan; a Planned Development Permit consisting of the Downtown West Design Standards and Guidelines, Downtown West Improvement Standards, Conceptual Infrastructure Plan Sheets, and Downtown West Conformance Review Implementation Guide; Infrastructure Plan; amendment to the Historic Preservation Permit; Vesting Tentative Map; and development agreement; and

WHEREAS, the Project, which is located within the Downtown Growth Area Boundary and within the boundaries of the DSAP (as such boundaries are proposed to be amended

by Resolution No. __), advances the shared vision and the shared goals identified in the MOU by optimizing density and a mix of land uses, preserving existing housing and creating new housing, creating broad job opportunities, pursuing equitable development, enhancing and connecting the public realm, pursuing excellence in design, enhancing sustainability and innovation, prioritizing community engagement regarding community benefits, and proceeding with timely implementation; and

WHEREAS, the Project advances a plan that re-envision a significant portion of the DSAP as a mixed-use area that includes development of: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to 100,000 gsf of event and conference space; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods; and

WHEREAS, on December 30, 2019, Governor Gavin Newsom certified the Project as an environmental leadership development project under Public Resources Code § 21178 *et. seq.* the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (Assembly Bill [AB] 900, as amended by Senate Bill 734 [2013], AB 246 [2017], and Senate Bill 7 [2021], which is currently pending approval in the California State Legislature); and

[WHEREAS, the Project has complied with requirements related to AB 900 as of the date of adoption of this Ordinance and would comply with post-adoption AB 900 requirements if AB 7 is adopted by the California State Legislature; and

WHEREAS, community outreach for the Project has been ongoing since 2018 and has included over 50 meetings with members of the Diridon Station Area Advisory Group (SAAG), as well as over 100 community outreach events that provided the public with the opportunity to review the Project through a combination of in-person and digital engagement with residents, neighbors, business owners and employees, construction trades, and other stakeholders that included: public design workshops; booths at local and regional community events; presentations to and discussions with local neighborhood, business, and community/special interest associations and organizations; focus group discussions; engagement with faculty and students at local universities and schools; and other large and small events reaching communities within and around the Project site; and

WHEREAS, the existing General Plan land use designations for the Project site include: Transit Employment Center; Public/Quasi-Public; Open Space, Parklands and Habitat; Commercial Downtown, Downtown and Combined Industrial/Commercial; and

WHEREAS, the proposed General Plan Amendment would amend the land use designations for the approximately 80 acre Project site from the existing designations to the designations of Downtown and Commercial Downtown, as depicted on Exhibit "A"; and

WHEREAS, the General Plan Amendment would amend Policy LU-6.1 to provide that lands located within the DSAP may be re-designated from mixed industrial-commercial land uses to mixed residential-commercial or non-employment land uses consistent with the Downtown and Commercial Downtown land use designations for the Project site; and

WHEREAS, the General Plan Amendment would amend Policy LU-1.9 to authorize lands designated Public/Quasi-Public within the DSAP to be re-designated to other land use designations that advance the City's employment growth or housing goals; and

WHEREAS, the Project proposes improvements to the street network to support the Project's mix of land uses and promote walking, biking, and public transit access and ridership; and

WHEREAS, the General Plan Amendment proposes the re-designation of the following streets as further depicted in Exhibit "A": South Montgomery Street (between West Santa Clara Street to West San Fernando Street) from a Grand Boulevard to Main Street; and North Montgomery Street (between West Julian Street to West St. John Street) from a Local Connector to On-Street Primary Bicycle Facility; and

WHEREAS, the General Plan Amendment includes additional text and diagram amendments as further set forth in Exhibit "A", including but not limited to text amendments clarifying that the DSAP is not an "urban village" and describing changes that have occurred since the City's adoption of the DSAP in 2014, and diagram amendments showing changes to the street network, including through proposed street abandonments, and proposed changes to street typology within the Project site; and

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt, and from time to time amend, the General Plan governing the physical development of the City of San José; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, in compliance with AB900, the City, as lead agency, has prepared an administrative record for the Project concurrently with the environmental review process for the Project, to inform governmental agencies and the public of the potential environmental impacts of the Project, and commencing on October 7, 2020, the City has timely published such documents on its official website; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code and State law, the City provided opportunities for public involvement in relation to the General Plan Amendment for the Project, and the City has published Project applications and documents, including the proposed General Plan Amendment, and updates and amendments to such applications and documents, on the City's official website; and

WHEREAS, on _____, the notice of the public hearing was published in the [____], published on the City's website, and mailed to property owners within a 1,000 foot radius of the subject real property; and

WHEREAS, on _____, the Planning Commission held a public hearing to consider the proposed General Plan Amendment, as set forth in Exhibit "A", at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to recommend that the City Council approve the proposed General Plan Amendment; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on ____ 2021, at ____ p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where

interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit “A”); and

WHEREAS, the City Council of the City of San José has considered, approved, and certified the Final Environmental Impact Report for the Downtown West Mixed Use Plan (“FEIR”) and adopted related findings, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations under separate Resolution No. ____ on May ___, 2021 prior to making its determination on the proposed General Plan Amendment or other Project approvals; and

WHEREAS, on May ___, 2021, by Resolution No. ___, the City Council of the City of San José by a two-thirds vote, approved an override of the Santa Clara County Airport Land Use Commission’s Comprehensive Land Use Plan inconsistency determination for the Downtown West General Plan Amendment and Planned Development Rezoning; and

WHEREAS, this Resolution approving the General Plan Amendment is a companion to the following approvals relating to Downtown West: amendments to the Diridon Station Area Plan (Resolution No. __); the Development Agreement for the Downtown West Mixed-Use Plan (Ordinance No. __); Planned Development Rezoning, including a General Development Plan (Ordinance No. __); a Planned Development Permit (Resolution No. __); amendments to Title 20 of the San José Municipal Code (Ordinance No. __); approval of a Vesting Tentative Map (Resolution No. __); amendments to the landmark boundaries of the San José Water Company Historic Landmark and the Southern Pacific Depot Historic District (Resolutions No. __ and __); an amendment to Historic Preservation Permit (HP16-002) (Resolution No. __); approval of Major Encroachment Permits (Resolution No. __); and approval of the Construction Impact Mitigation Plan (Resolution No. __); and

WHEREAS, the City Council is the decision-making body for the proposed General Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council finds that all the facts set forth in the foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Having reviewed the materials identified in the recitals above, and having heard all testimony and comments, the City Council finds and determines as follows:

- A. The City Council has reviewed the Project and determined that it promotes the General Plan's strategy (Major Strategy #9) of developing Downtown San José into an important employment and residential neighborhood by converting underutilized space into a mix of complementary land uses and the Project is anticipated to generate additional jobs and housing capacity within Downtown San José, increasing the current growth capacity within the Downtown Growth Area from 58,659 jobs and 15,160 dwelling units to 79,679 jobs and 20,735 dwelling units;
- B. The City Council has reviewed the General Plan Amendment set forth in Exhibit "A" and determined that the General Plan Amendment will result in an internally consistent General Plan, as set forth in the General Plan Consistency Findings in Exhibit "B", attached hereto and incorporated herein, and the land use designations for Downtown West will correlate with the circulation network, including the provision of infrastructure, public facilities and services to meet the demands of Downtown West;
- C. The City Council hereby approves the proposed General Plan Amendment, as set forth in Exhibit "A".

SECTION 3.

- A. The City Council authorizes the Director of PBCE to make minor technical and clerical changes, such as grammatical or typographical changes, to the General Plan Amendment as set forth in Exhibit "A", in consultation with the City Attorney's Office, as necessary or appropriate, to implement this Resolution and to effectuate the City's performance thereunder.
- B. The City Council authorizes the Director of Transportation, who maintains the City's Functional Classification Diagram, to update the Functional Classification Diagram, as necessary or appropriate, to conform the Functional Classification Diagram with the street network and street typology changes to ensure consistency with the General Plan Amendments.

SECTION 4. This Resolution shall take effect thirty (30) days after adoption.

ADOPTED this day of , 2021, by the following vote:

Exhibit A
Amendments to Envision San José 2040 General Plan

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